

CALIFORNIA STATE ATHLETIC COMMISSION

INITIAL STATEMENT OF REASONS

Hearing Date: May 24, 2001

Subject Matter of Proposed Regulations: Grading of Referee's Performance and Hearing to Remove Referee's License.

Section(s) Affected: 376 and 377

Specific Purpose of each adoption, amendment, or repeal:

Rule 376 Subsection (a): The specific purpose of Subsection (a) is to change "grade" to "evaluate" and "evaluation", "grader" to "evaluator", for the purpose of clarity.

Rule 376 Subsection (b): The specific purpose of Subsection (b) is to add language that would address procedures to follow when a referee files a written protest regarding any evaluation, which grades his or her performance.

Rule 377 Subsection (a): The specific purpose of Subsection (a) is to change current language to ensure that the decision recommended by staff will also be recommended to the commission whom will make the final decision.

Rule 377 Subsection (b): The specific purpose of Subsection (b) is to add language that would address procedures to follow when a referee requests a hearing after being notified of specific deficiencies, which may result in loss of license.

Factual Basis

Factual basis for determination that each proposed change is necessary:

Rule 376 Subsection (a): The basis for changing "grade" to "evaluate", etc. is for the purpose of clarity as an evaluator prepares, grades, and evaluates the "Confidential Referee Evaluation Report". The term grader is inappropriate and inaccurate.

Rule 376 Subsection (b): The basis for adopting Subsection (b) is to develop and

implement procedures when a referee files a written protest. Currently there are none in place. To date there has not been any referee who has filed a written protest. The commission needs to ensure that there are procedures in place prior to a referee filing a written protest.

Rule 377 Subsection (a): The basis for changing Subsection (a) is to clarify that a hearing regarding a referee's non discharge of responsibilities must be recommended to the commission for a final decision on the matter rather than the commission's representative making a final decision. The commission believes that in matters that involve hearings on personnel issues, it is most appropriate that the commission should make the final decision

Rule 377 Subsection (b): The basis for adopting Subsection (b) is to develop and implement procedures when a referee requests a hearing after being notified of specific deficiencies. Currently there are none in place. To date there has not been any referee who has requested a formal hearing by the commission in reference to specific deficiencies in their evaluation. The commission needs to ensure that there are procedures in place to adhere to the regulatory requirement to provide a hearing upon request and prior to a referee requesting such a hearing.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No alternative, which was considered, would be either more effective than or equally as effective as and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Rule 376 Subsection (a): Leave current language as is, which may be misinterpreted by the public and affected persons.

Rule 376 Subsection (b): Leave current language as is, which may result in a lawsuit if there are no clear guidelines in place to handle the filing of a written protest.

Rule 377 Subsection (a): Leave current language as is, which allows the final decision to be made by an authorized representative of the commission rather than by the commission members. This may result in appeals due to the fact that the commission members did not make the final decision on the matter.

Rule 377 Subsection (b): Leave current language as is, which may result in a lawsuit if there are no clear guidelines in place to handle a formal hearing request.